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The Honorable Fred Van Sickle

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON

12 STERLING FINANCIAL
13 CORPORATION, a Washington
14 corporation; and STERLING SAVINGS
15 BANK, a Washington state-chartered
16 bank,

17 Plaintiffs,

18 v.

19 CLYDE CONKLIN and Jane Doe
20 Conklin, and the marital community of
21 Clyde and Jane Doe Conklin; and BANK
22 OF WHITMAN, a Washington state-
23 chartered bank,

24 Defendants.

No. CV-07-0038-FVS

**ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

BEFORE THE COURT is Plaintiffs' Motion for Preliminary Injunction (Ct.Rec.2).

The Court heard oral argument on this motion during a telephonic hearing held on

1 February 14, 2006. Plaintiffs were represented by Leslie R. Weatherhead of Witherspoon,
2 Kelley, Davenport & Toole. Defendant Clyde Conklin ("Defendant Conklin") was
3 represented by Michael Scott and Amit Ranade of Hillis Clark Martin & Peterson.
4 Defendant Bank of Whitman was represented by Daniel Huntington of Richter-Wimberley,
5 Guy Nelson and Gary Libey of Libey, Ensley, Esser & Nelson. The Court has reviewed the
6 materials submitted by the parties, has heard arguments of counsel, and is fully informed.
7

8 The Court determines that serious questions are at issue with respect to Plaintiffs'
9 claims for injunctive relief and that the balance of the equities tips strongly in favor of
10 Plaintiffs. The Court concludes that preliminary injunctive relief is appropriate and
11 necessary. Accordingly,
12

13 **IT IS HEREBY ORDERED:**

- 14 1. Plaintiffs' Motion for Preliminary Injunction (Ct.Rec.2) is **GRANTED**.
15
16 2. This preliminary injunction shall become effective when Sterling files a surety
17 bond in the amount of \$500,000.00 with the Clerk of the Court of the United States District
18 Court for the Eastern District of Washington. This preliminary injunction and bond shall
19 remain in effect until further order of the Court.
20
21 3. Defendant Conklin shall not use or disclose any knowledge of the past, present,
22 planned or considered business activities of FirstBank Northwest Corporation to any person,
23 firm, corporation, business, or entity for any reason or purpose. Knowledge of "business
24

1 activities” includes information Mr. Conklin learned about FirstBank’s customers while Mr.
2 Conklin worked at FirstBank.

3 4. Defendant Conklin shall not conduct business for or with the Bank of Whitman
4 or any other competitor of Sterling in any of the following counties:

5
6 Asotin County, Washington;
7 Spokane County, Washington;
8 Ada County, Idaho;
9 Canyon County, Idaho;
10 Idaho County, Idaho;
11 Kootenai County, Idaho;
12 Latah County, Idaho;
13 Nez Perce County, Idaho;
14 Baker County, Oregon;
15 Grant County, Oregon;
16 Harney County, Oregon;
17 Malheur County, Oregon;
18 Umatilla County, Oregon;
19 Union County, Oregon; and
20 Wallowa County Oregon.

21 5. Conklin shall not interfere with Sterling’s relationships with customers it
22 acquired from FirstBank or compete with Sterling using or disclosing FirstBank’s
23 confidential information (as acquired by Sterling) regarding FirstBank’s customers (as
24 acquired by Sterling) and knowledge of the past, present, planned or considered business
activities of Sterling as successor in interest to FirstBank.

6. The Bank of Whitman shall not use FirstBank’s proprietary or confidential
business information (as acquired by Sterling) obtained through Defendant Conklin to

1 compete with Sterling or to interfere with Sterling's relationships with its customers
2 (acquired with FirstBank).

3 IT IS SO ORDERED. The District Court Executive is hereby directed to enter this
4 Order and furnish copies to counsel.
5

6 DATED this _20th___ day of February, 2007.

7 s/ Fred Van Sickle

8 Fred Van Sickle

9 United States District Judge

10 Presented By:

11 WITHERSPOON KELLEY DAVENPORT & TOOLE

12 /s/ Leslie R. Weatherhead

13 By: Leslie R. Weatherhead

14 Attorneys for Plaintiff Sterling Savings Bank et al.

15 Approved as to Form:

16 HILLIS CLARK MARTIN & PETERSON

17 /s/ Telephonically Approved

18 By: Michael Scott

19 Attorneys for Defendant Clyde Conklin

20 RICHTER WIMBERLY

21 /s/ Telephonically Approved

22 By Daniel Huntington

23 Attorneys for Defendant Bank of Whitman
24